

IC 20-10.1-11

Chapter 11. Textbook Purchase, Distribution, and Sale

IC 20-10.1-11-1

Free textbooks; elementary and high school libraries

Sec. 1. Each section of this chapter applies to both elementary school libraries and high school libraries, that contain free textbooks. These textbooks must be adopted by the state board of education and selected by the proper local officials. For the purposes of this chapter, "resident student" means a student enrolled in any of the grades in any school located in the school corporation, whether actually resident there or transferred there for school purposes, as provided by law.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.148.

IC 20-10.1-11-2

Voters' petition

Sec. 2. Voters' Petition. (a) If a petition requesting the establishment of an elementary school library is filed with the governing body, that body shall provide a library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the eight (8) grades of each elementary school. The petition must be signed by at least fifty-one percent (51%) of the registered voters of the school corporation.

(b) If a governing body has previously established an elementary school library under subsection (a) and a petition requesting establishment of a high school library is filed with that governing body, that body shall provide a library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the four (4) grades of each high school. This petition must be signed by at least twenty percent (20%) of the voters of the school corporation as determined by the total vote cast at the last general election for the trustee of the township, clerk of the town, or mayor of the city.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-3

Form of petition

Sec. 3. Form of Petition. Each petition paper must be in substantially the following form for an elementary school library or a high school library:

To the governing body of the school corporation of

We, the undersigned voters of the school corporation of _____ respectfully petition the governing body of the school corporation of _____ to establish an elementary school (or high school, as appropriate) library and to lend its school textbooks free of charge to the resident students of the school corporation of _____, under IC 1971, 20-10.1-10.

NAME	ADDRESS	DATE
_____	_____	_____
STATE OF INDIANA)	
)	SS:
_____ COUNTY)	
_____ being duly sworn, deposes and says that he is the		
circulator of this petition paper and that the appended signatures		
were made in his presence and are the genuine signatures of the		
persons whose names they purport to be.		
	Signed _____	
Subscribed and sworn to before me this _____ day of _____,		
19 ____		
		_____ Notary Public

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-4

Petition signatures

Sec. 4. Petition Signatures. The signatures to each petition may be appended to one (1) paper, but to each petition paper an affidavit of the circulator, stating that each signature was made in his presence and is the genuine signature of the person whose name it purports to be, shall be attached. Each signature must be made in ink or indelible pencil; each signer shall state his name, residence by street and number, or other description sufficient to identify the place and the date of the signing.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-5

Qualified petitioner

Sec. 5. Qualified Petitioner. Each petitioner must be registered to vote in the precinct in which he resides to be qualified to sign and to have his signature count.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-6

Filing of petition

Sec. 6. Filing of Petition. All petition papers requesting the establishment of the library shall be assembled and filed as one (1) instrument before July 2.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-7

Examination of petitions; employment of clerks

Sec. 7. Examination of Petitions; Employment of Clerks. Each governing body shall examine these petitions and shall have the names checked against the voters' registration records in the county where the school corporation is situated. Each governing body may employ clerks as necessary for this checking and may pay these

expenses from its general fund without a specific appropriation. Each clerk shall take an oath to perform this duty honestly and faithfully and is entitled to daily compensation of not more than three dollars (\$3.00) for this work.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-8

Duty of school corporation

Sec. 8. Duty of School Corporation. If a petition is filed under IC 1971, 20-10.1-11-6 and is sufficient, the governing body shall make an entry on the records of the school corporation noting that by the filing of the petition the school corporation shall obligate itself to maintain an elementary school library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the first eight (8) grades of each elementary school located within the school corporation, or, if appropriate, to maintain a high school library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the four (4) grades of each high school located within the school corporation.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-9

Appropriation by governing body

Sec. 9. Appropriation by Governing Body. (a) When a petition is filed under this chapter and when by an appropriate entry the school corporation obligates itself to maintain an elementary school library, the first appropriation from the general fund must be made in the month of August following the petition's filing. Beginning with the school term following the original appropriation, the library must be established and the textbooks of the library must be loaned to resident students enrolled in the first five (5) grades. During each following school term, textbooks must be procured and loaned to resident students enrolled in each of the eight (8) grades.

(b) When a petition is filed and when by an appropriate entry the school corporation obligates itself to maintain a high school library, the first general fund appropriation must be made in the month of September following the petition's filing. Beginning with the second school term following the original appropriation, the library must be established and the textbooks of the library must be loaned to resident students enrolled in grade nine (9). During each following school term, textbooks must be procured and loaned to resident students for an additional high school grade, in addition to the earlier high school grades.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-10

Purchase of textbooks

Sec. 10. (a) Each governing body shall make requisition for the necessary textbooks for the students from the contracting publishers approved by the state board of education. The contracting publisher

shall ship the books, within ninety (90) days, directly to these officials. On receipt of the books, each school corporation shall have charge and custody of all books consigned to it, receipting to the contracting publisher for them, and each governing body shall reimburse the contracting publisher the amount owed by the school corporation for these books from its general fund.

(b) Each governing body shall purchase with its general fund money any current textbooks, from a resident student who presents them for sale on or before the beginning of the school term in which the books are to be used, at a price based on the original price to the corporation less a reasonable reduction for damage from usage.

(c) The proper school authorities shall likewise purchase any stock of books which are to be used during any school year from any dealer whose business is located in the county in which the school corporation is located, and who was authorized by law to sell these books before March 1, 1935, at not to exceed the price paid by the dealer to the contracting publisher from whom these books were purchased.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.149.

IC 20-10.1-11-11

Availability of free textbooks

Sec. 11. Availability of Free Textbooks. Upon receipt of the books, each governing body shall loan them, free of charge to each resident student. These library textbooks are available to each resident student under regulations as provided in this chapter and as may be prescribed by each superintendent and governing body.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-12

Textbooks for transferred students

Sec. 12. If a student is transferred to a school corporation other than the one in which he is a resident under IC 20-8.1-6.1 the governing body of the school corporation to which the student is transferred shall purchase a sufficient supply of books for the transferred student. In the annual settlement between these school corporations for tuition of transferred students, the amounts for rental of these books furnished to the transferred students must be included. The state board of education shall determine the rate of this rental.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.20-1984, SEC.150.

IC 20-10.1-11-13

Sale of books

Sec. 13. Sale of Books. Each governing body may provide a sufficient number of these books for sale to resident students who may purchase them at the price stipulated in the contracts, under which the books are supplied to each school corporation. These funds must be paid into the general fund.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-14

Facilities for books

Sec. 14. Facilities for Books. Each governing body shall provide sufficient library facilities for the safekeeping of these books as may best accommodate the resident students.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-15

Care of textbooks

Sec. 15. Care of Textbooks. Each governing body shall prescribe reasonable rules and regulations for the care, custody, and return of these library textbooks. Each resident student using these textbooks is responsible except for reasonable wear, for any loss, mutilation, or defacement of these books, or failure to return them to the library under these rules and regulations.

(Formerly: Acts 1975, P.L.240, SEC.1.)

IC 20-10.1-11-16

Fumigation or destruction; distribution to parents or residents

Sec. 16. Each governing body shall provide for the fumigation or destruction of these library books, at the times and under regulations prescribed by local and state health authorities. However, before a governing body may mutilate or otherwise destroy a textbook, the governing body shall provide at no cost and subject to availability one (1) copy of each textbook that is no longer scheduled for use in the school corporation to:

- (1) the parent of each child who is enrolled in the school corporation and who wishes to receive a copy of the textbook; and
- (2) if any textbooks remain after distribution under subdivision (1), to any resident of the school corporation who wishes to receive a copy of the textbook.

(Formerly: Acts 1975, P.L.240, SEC.1.) As amended by P.L.157-1997, SEC.2.